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Bala Cynwyd, PA 19004

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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The Authors Guild, Inc., Association of American Publishers, Inc., et al.,	:	Case No. 05 CV 8136-JES
	:	
Plaintiffs,	:	**MEMORANDUM OF LAW**
	:	**IN SUPPORT OF MOTION**
v.	:	**ON CONSENT FOR**
	:	**APPROVAL OF CLAIM**
Google Inc.,	:	**FORMS**
	:	
Defendant.	:	**ECF CASE**

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Counsel for the Author Sub-Class and counsel for the Publisher Sub-Class ("Counsel"), with the consent of counsel for Google Inc., submit this motion, pursuant to Federal Rule of Civil Procedure 23(e), for approval of the Claim Forms for the Settlement Class.

1.   This is a class action in which plaintiffs allege that Google violated the copyrights of authors, publishers and other owners of U.S. copyrights in books and other writings by digitizing them, creating an electronic database of books, and displaying short excerpts without the copyright owners' permission.

2.   A proposed settlement of the lawsuit (the "Settlement") was reached on

behalf of a class of all owners of U.S. "Copyright Interests" in "Books" and "Inserts"

published on or before January 5, 2009, as those terms are defined in the Settlement

Agreement.

3.   Judge Sprizzo preliminarily approved the Settlement in an Order dated

November 14, 2008. *See* Exhibit A (the "Preliminary Approval Order"). The substantial

benefits the Settlement offers to class members and to the public are more fully described

in pages 8 through 13 of the memorandum of law filed in support of Plaintiffs' Motion

for Preliminary Settlement Approval.

4.   To assure the best notice practicable of this Settlement to class members

around the world, a comprehensive, multi-national Notice program has been established.

This Notice program includes the publication of a summary notice in 375 publications,

the emailing and/or mailing of a long form notice to many thousands of potential class

members, and the creation of a claims website and paper claim forms (each translated

into dozens of languages).

5.   Paragraph 16 of the Preliminary Approval Order provides that the date on

which Notice shall commence is January 5, 2009. Paragraph 18 provides that all

publication and other Notice must be completed by February 27, 2009. Paragraph 21

provides that the Opt-Out Deadline will be May 5, 2009. Paragraph 10 provides that the

Final Fairness Hearing will be held on June 11, 2009.

The Reason for the Request to Approve the Claim Forms

6.   At the time the Preliminary Approval Order was submitted to the Court,

the parties still were developing the details of the claiming process and Claim Forms.

Accordingly, paragraph 14 of the Preliminary Approval Order requires that, before

dissemination of the Notice to the Settlement Class can begin on January 5, 2009, "Class

Counsel shall submit to the Court for approval as to form and content the Claim Forms to

be included with the Notice." *See* Exhibit A, ¶ 14.

7.   It is appropriate to analyze the form and content of the Claim Forms under

the standards that govern notice under Rule 23. Although they are distinct from the

Notice, the Claim Forms also should, to a certain extent, "fairly apprise the prospective

members of the class of the terms of the proposed settlement and of the options that are

open to them in connection with the proceedings." *Wal-Mart Stores, Inc. v. Visa U.S.A.

Inc.*, 396 F.3d 96, 114 (2d Cir. 2005) (quotation, citation omitted). The standard to be

applied is one of "reasonableness." *Id.* at 113.

8.   The proposed Claim Forms are eminently fair and reasonable in both their

paper and online forms because they capture and convey, in a clear and concise manner,

the options available to class members under the Settlement. The proposed Claim Forms

provide an efficient mechanism by which class members can identify their works, claim

Cash Payments and manage their Books and Inserts, including the ability to choose

whether to exclude a particular Book from Display Uses or Remove that Book from all

uses by Google. The proposed Claim Forms also contain contact information for Class

Counsel and the claims administrator, so that class members can obtain additional information about the Settlement.

      9.   In addition, the proposed Claim Forms will be translated into more than 30 languages and be made available worldwide, in both paper and online versions.

      10.   Accordingly, Counsel respectfully request that paper claim forms and website claiming screens be approved, as to form and content, substantially in the form attached hereto as Exhibits B and C. Counsel have worked extensively with Rust Consulting, Inc., a highly experienced claims administrator (the "Settlement Administrator"), in creating these forms. Counsel have also worked extensively with Google, to create the online claiming process, which the Settlement Administrator will maintain with technical support and hosting provided by Google Inc.

      11.   Counsel for Google has authorized the undersigned to state that Google Inc. supports this motion.

For the foregoing reasons, Counsel respectfully request that the Court approve for distribution to the Settlement Class, in substantially their current form and content, the Claim Forms attached as Exhibits B (paper) and C (website).

Dated: December 18, 2008

/s/ Michael J. Boni
Michael J. Boni (pro hac vice)
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Attorneys for Plaintiffs The Authors Guild, Inc., Herbert Mitgang, Betty Miles, Daniel Hoffman, Paul Dickson, Joseph Goulden and the Author Sub-Class

/s/ Bruce P. Keller
Bruce P. Keller (BK9300)
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919 Third Avenue
New York, NY 10022
bpkeller@debevoise.com

Attorneys for Plaintiffs The McGraw-Hill Companies, Inc., Pearson Education, Inc., Penguin Group (USA) Inc., Simon & Schuster, Inc., John Wiley & Sons, Inc,. Association of American Publishers, Inc. and the Publisher Sub-Class

Exhibit A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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The Authors Guild, Inc., Association of American   :
Publishers, Inc., et al.,   :
    :
      Plaintiffs,   :
    :
          v.   :   Case No. 05 CV 8136-JES
    :
Google Inc.,   :
    :
      Defendant.   :

--x

[PROPOSED] ORDER GRANTING PRELIMINARY SETTLEMENT APPROVAL

This matter is before the Court pursuant to the motion of Plaintiffs in the above-captioned

class action (the "Action") for preliminary approval of the settlement Plaintiffs reached with

defendant Google Inc. ("Google"). Plaintiffs have moved for an order approving the settlement

of the Action in accordance with the Settlement Agreement between Plaintiffs and Google.

Having read and considered the Settlement Agreement, and based upon familiarity with the files

and proceedings in this matter, the Court finds that:

1.   Plaintiffs filed an initial complaint, and subsequent amended complaints, in the

Action alleging, on behalf of themselves and a putative class of others similarly situated, that

defendant violated the United States Copyright Act, 17 U.S.C. §§ 101 *et seq.*;

2.   Defendant has vigorously contested the allegations;

3.   The parties have entered into a Settlement Agreement that has been filed with the

Clerk of the United States District Court for the Southern District of New York;

4.   The Court has reviewed the Settlement Agreement and determined it to be within

the range of possible approval; and

5.   The Court has reviewed the notice provisions of Article XII of the Settlement

Agreement, and the forms of notice attached to the Settlement Agreement as Attachments I and

J, and the Court has determined that the form, content and manner of dissemination of the notices

constitute the best notice practicable under the circumstances.

Accordingly, it is hereby **ORDERED** as follows:

6.   The motion is GRANTED. The Settlement Agreement is hereby preliminarily

approved. Unless otherwise specified, all defined terms herein shall have the same meaning as

in the Settlement Agreement.

7.   The following Settlement Class and two Sub-Classes are provisionally certified for

settlement purposes only:

Settlement Class

All Persons that, as of January 5, 2009, have a Copyright Interest in one or more
Books or Inserts. All Settlement Class members are either members of the
Author Sub-Class or the Publisher Sub-Class, or both. Excluded from the
Settlement Class are Google, the members of Google's Board of Directors and its
executive officers.

Author Sub-Class

Members of the Settlement Class who are authors, and their heirs, successors and
assigns, and any other members of the Settlement Class who are not members of the
Publisher Sub-Class.

Publisher Sub-Class

Members of the Settlement Class that are (a) companies that publish books, and their
exclusive licensees, successors and assignees, and (b) companies that publish Periodicals
and have a Copyright Interest in one or more Inserts, and their exclusive licensees,
successors, and assignees.

8.   Plaintiffs Paul Dickson, Joseph Goulden, Daniel Hoffman, Betty Miles, and

Herbert Mitgang are designated as Representative Plaintiffs for the Author Sub-Class. Plaintiffs

2

The McGraw-Hill Companies, Inc., Pearson Education, Inc., Penguin Group (USA) Inc., Simon & Schuster, Inc., and John Wiley & Sons, Inc. are designated as Representative Plaintiffs for the Publisher Sub-Class.

9.   The Court appoints the following law firms as Class Counsel: the firms of Boni & Zack LLC, Milberg LLP, and Kohn, Swift & Graf, PC for the Author Sub-Class ("Author Sub-Class Counsel"), and the firm of Debevoise & Plimpton LLP for the Publisher Sub-Class ("Publisher Sub-Class Counsel"). Author Sub-Class Counsel and Publisher Sub-Class Counsel shall be referred to collectively herein as "Class Counsel."

10.   A final settlement/fairness hearing shall be held on June 11 , 2009, at 1 : 00 p. m. , (the "Hearing") before the undersigned in Courtroom 14C, United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007. The purpose of the Hearing shall be to determine: (a) whether the terms and conditions of the proposed Settlement Agreement are fair, reasonable, and adequate; (b) whether to certify the Class and the Sub-Classes for purposes of the settlement; and (c) whether the proposed Settlement Agreement should be approved by the Court and judgment entered thereon. At the Hearing, or such adjourned date as the Court deems appropriate, Class Counsel and any interested person shall be heard on the fairness, reasonableness, and adequacy of the terms of the Settlement Agreement and on Author Sub-Class Counsel's application for an award of attorneys' fees and reimbursement of expenses as set forth in the Settlement Agreement.

11.   The Court preliminarily approves the proposed Settlement Agreement, including the procedures for establishing and administering the settlement funds and procedures for notice,

3

opting out, and objection as described therein, as fair, reasonable, and in the best interests of the

Settlement Class and the Sub-Classes.

12. The Court reserves the right to adjourn the Hearing or order any adjournment

without further notice other than an oral announcement at or prior to the Hearing. The Court also

reserves the right to approve the proposed Settlement Agreement at or after the Hearing with or

without modification as consented to by the parties to the Settlement Agreement and without

further notice to members of the Settlement Class. The Court shall retain jurisdiction to consider

all applications arising out of or connected with the proposed Settlement Agreement.

13. The Court approves as to form, content, and method of dissemination of the Notice

of Class Action Settlement ("Notice") and the Summary Notice of Class Action Settlement (the

"Summary Notice") substantially in the forms attached to the Settlement Agreement as

Attachments I and J.

14. Before disseminating Notice pursuant to paragraph 16 below, Class Counsel shall

submit to the Court for approval as to form and content the Claim Forms to be included with the

Notice.

15. The Notice Commencement Date shall be January 5, 2009. The Opt-Out Deadline

shall be May 5, 2009.

16. Beginning on January 5, 2009, Class Counsel shall cause the Notice to be

forwarded to identifiable Settlement Class members by e-mail, postal mail, postage prepaid, at

the last known mailing address, or other means of dissemination.

17. Beginning on January 12, 2009 or earlier, Class Counsel shall cause to be published

the Summary Notice as set forth in the Settlement Agreement and shall otherwise comply with

the Notice program as set forth in Article XII of the Settlement Agreement.

4

18.   All notice required to be disseminated under the Notice program shall be disseminated no later than February 27, 2009.

19.   At least five business days prior to the Hearing, Class Counsel shall certify compliance with the provisions of paragraphs 16 and 17 of this Order by declaration describing the aforementioned mailings and publications, and shall file with the Court Plaintiffs' Motion for Final Settlement Approval and supporting papers, and Motion for Approval of Plaintiffs' Attorneys' Fees and Reimbursement of Expenses and supporting papers.

20.   The form and method of Notice and Summary Notice specified in the Settlement Agreement are hereby approved and determined to be the best notice practicable under the circumstances, and the Court finds that the Notice and Summary Notice comply with the requirements of Rule 23 of the Federal Rules of Civil Procedure and with applicable standards of due process.

21.   Members of the Settlement Class and Sub-Classes will be excluded from the settlement only if they comply with the opt-out procedures set forth in the Notice and Settlement Agreement, which procedures are hereby approved as fair and reasonable. Unless they have excluded themselves, members of the Settlement Class and Sub-Classes shall be bound by all determinations and judgments in this case relating to the proposed Settlement, whether favorable or unfavorable, including the dismissal of the Action with prejudice and the release of Google Releasees, Fully Participating Library Releasees, Cooperating Library Releasees, Public Domain Library Releasees and Other Library Releasees from liability to members of the Class. Persons who timely exclude themselves from the Class in accordance with the procedures prescribed in the Notice and Settlement Agreement will not be bound by any orders or judgments entered in

5

the Action related to the proposed settlement, and shall not receive any benefits provided for in the proposed Settlement Agreement in the event it is approved by the Court.

22.   Persons who are members of the Settlement Class and do not exclude themselves may enter an appearance on their own behalf or through counsel of their own choice at their own expense. If they do not enter an appearance, they will be represented by Class Counsel.

Any member of the Settlement Class who does not exclude himself or herself but objects to: (i) the proposed Settlement Agreement; (ii) certification of the Settlement Class or one or both of the Sub-Classes for purposes of the settlement; (iii) dismissal of the Action or the judgment and releases to be entered with respect thereto; and/or (iv) Author Sub-Class Counsel's application for attorneys' fees and reimbursement of expenses in the Action; or who otherwise wishes to be heard, may appear in person or through his or her own attorney at the hearing and present evidence or argument that may be proper and relevant; provided, however, that no Person other than Class Counsel and Google in the Action shall be heard and no papers, briefs, pleadings, or other documents submitted by any such Person shall be received and considered by the Court (unless the Court in its discretion shall thereafter otherwise direct, upon application of such person and for good cause shown), unless, (1) not later than May 5, 2009, such Person has filed a statement of the objection and the grounds for the objection, together with any supporting papers or briefs, with the Court at the address listed below and served copies of such papers by email or first class mail on the attorneys listed below; and (2) if wishing to appear, not later than May 5, 2009, such Person has filed a Notice of Intent to Appear, including the Person's name, address, telephone number and signature, as well as the name and address of counsel, if any, with the Court at the address listed below and served copies of such papers by email or first class mail on the attorneys listed below:

6

The District Court

Office of the Clerk
J. Michael McMahon
U.S. District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007

Author Sub-Class Counsel

Michael J. Boni, Esquire
Joanne Zack, Esquire
Joshua D. Snyder, Esquire
Boni & Zack LLC
15 Saint Asaphs Road
Bala Cynwyd, PA 19004
Bookclaims@bonizack.com

Publisher Sub-Class Counsel

Jeffrey P. Cunard, Esquire
Bruce P. Keller, Esquire
James J. Pastore, Esquire
Debevoise & Plimpton LLP
919 Third Avenue
New York, NY 10022
Bookclaims@debevoise.com

Google Counsel

Daralyn J. Durie, Esquire
David J. Silbert, Esquire
Joseph C. Gratz, Esquire
Keker & Van Nest LLP
710 Sansome Street
San Francisco, CA 94111
Bookclaims@kvn.com

23.   Any Settlement Class member who retains an attorney to make objections to the

proposed settlement on behalf of the Settlement Class member or otherwise to represent the

Settlement Class member in this litigation does so at the Settlement Class member's own

expense. Any such attorney must file a notice of appearance in this litigation with the Clerk of

7

this Court and serve copies of the notice on the attorneys listed in paragraph 22 above, no later

than May 5, 2009. Any objection not timely made and in the manner provided herein shall be

deemed waived and forever barred.
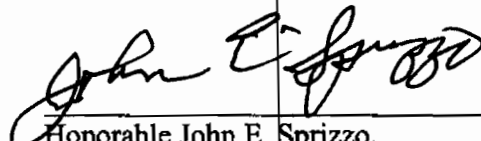
24.   Pending final determination of whether the proposed Settlement Agreement should

be approved, Plaintiffs and all members of the Settlement Class, either individually, directly,

representatively, derivatively, or in any other capacity, are barred and enjoined from

commencing or prosecuting any action or proceeding asserting any claims whatever on behalf of

themselves or the Settlement Class against Google that were brought or could have been brought

in the Second Amended Class Action Complaint, and that relate to or arise out of the claims as

described in that complaint.

25.   If the Court does not grant final approval of the Settlement Agreement, or if the

settlement does not become effective for any reason whatever, the Settlement Agreement

(including any modification thereof made with the consent of the parties as provided therein),

any Class certification herein and any actions taken or to be taken in connection therewith

(including this Order and any judgment entered herein) shall be terminated and shall become

void and have no further force and effect, except as provided in the Settlement Agreement.

26.   The Settlement Agreement and any proceedings taken pursuant thereto are not, and

should not in any event be: (a) offered or received as evidence of a presumption, concession or

admission on the part of any of Plaintiffs, Google, Fully Participating Libraries, Cooperating

Libraries, Public Domain Libraries, Other Libraries, any member of the Settlement Class, or any

other person; or (b) offered or received as evidence of a presumption, concession or admission

by any person of any liability, fault, wrongdoing or other dereliction of duty.

27.   The Court reserves jurisdiction over the subject matter and as to each party to the

Settlement Agreement with respect to the interpretation, effectuation, and implementation of the

Settlement Agreement in accordance with the terms thereof for all purposes, including

enforcement of any of the terms thereof at the instance of any party and resolution of any

disputes that may arise.

DATED this _____ day of _____, 2008.

_____
Honorable John E. Sprizzo,
United States District Judge

9

Exhibit B

GOOGLE BOOK SEARCH SETTLEMENT
CLAIM FORM FOR MEMBERS OF THE AUTHOR SUB-CLASS

Please review the Notice before completing this Claim Form. The Notice explains the terms used in this Claim Form. If at any time you have questions, go to www.googlebooksettlement.com or call 1-888-356-0248 (U.S.A.)

This Claim Form may be mailed at anytime. However, to be eligible for a Cash Payment, your Claim Form must be mailed on or before January 5, 2010.

Settlement Administrator
c/o Rust Consulting, Inc.
P.O. Box 9364
Minneapolis, MN 55440-9364
UNITED STATES OF AMERICA

The easiest way to claim and manage your Books and Inserts is online at www.googlebooksettlement.com.

Claim Form Contents

- ☐ **Section I - Contact Information:** Provide your contact information.
- ☐ **Section II - Claim Your Books:** Provide information for all Books for which you own a U.S. copyright interest.
- ☐ **Section III - Manage Your Commercially Unavailable/Out of Print Books**
- ☐ **Section IV - Claim and Manage Your Inserts:** Provide the requested information for all Inserts for which you own a U.S. copyright interest.
- ☐ **Section V - Certification:** This Claim Form must be signed.

	SECTION I - CONTACT INFORMATION	
	Please provide your contact information. Type or print your response clearly in the space provided.	
1	**Given/First Name**	
2	**Middle Name**	
3	**Family/Last Name**	
4	**Address**	
5	**State/Province/Region**	
6	**Postal/Zip code**	
7	**Country/Territory**	
8	**Telephone**	
9	**E-mail Address**	
10	**Tax Identification Information**	This information is not required to complete your claim, but may be required by the Registry prior to issuing any payments to you. ☐ U.S. Tax Identification Number (e.g., SSN/ITIN/EIN): _____ ☐ Non-U.S. Tax Identification Number: _____ Country: _____ ☐ I elect not to give this information at this time.
11	**Preferred Method of Communication with Settlement Administrator**	☐ Email ☐ Postal Mail ☐ Telephone

SECTION II - CLAIM YOUR BOOKS

For each Book that you are claiming, please provide as much information as you can. The Settlement Administrator will notify you if it needs further information from you.

	AUTHOR	TITLE	IDENTIFIER	IMPRINT	YEAR	RIGHTS
	Enter author and include co-authors and contributors	Title of the Book	Enter "ISBN" or "LCCN" (if you know)	If imprint is not available, enter publisher name (if you know)	Year of first publication (if you know)	Have the rights reverted to you (or your predecessor in interest) from the publisher?
1						☐ Yes ☐ No ☐ I Don't Know
2						☐ Yes ☐ No ☐ I Don't Know
3						☐ Yes ☐ No ☐ I Don't Know
4						☐ Yes ☐ No ☐ I Don't Know
5						☐ Yes ☐ No ☐ I Don't Know
6						☐ Yes ☐ No ☐ I Don't Know
7						☐ Yes ☐ No ☐ I Don't Know
8						☐ Yes ☐ No ☐ I Don't Know
9						☐ Yes ☐ No ☐ I Don't Know
10						☐ Yes ☐ No ☐ I Don't Know

Use Additional Pages If You Are Claiming More Than 10 Books

SECTION III - MANAGE YOUR COMMERCIALLY UNAVAILABLE/OUT OF PRINT BOOKS

For each of the Commercially Unavailable/Out of Print Books listed in Section II, please indicate on the form below if you wish to (1) Specify a consumer sale price for the Book (if you do not specify a sale price, Google will use a Settlement Controlled Price); (2) Exclude the Book from some or all Display Uses and other uses; or (3) Remove the Book from the Google Library Project, Library Digital Copies and Research Corpus. Also, indicate whether you have other rights in the Book. If you claim Commercially Available/In Print Books, the Settlement Administrator will contact you to discuss your options. If you do not know if your Books are Commercially Unavailable/Out of Print or Commercially Available/In Print, please contact the Settlement Administrator. If you want to exclude only a portion of the Book, attach a separate page identifying that portion.

Section II – The numbers below correspond to the Book listed in the corresponding line number in Section II	CONSUMER SALE PRICE	EXCLUDE BOOKS FROM DISPLAY AND OTHER USES								REMOVAL	OTHER RIGHTS	
		EXCLUDE BOOK FROM CONSUMER BOOK SALES	EXCLUDE BOOK FROM INSTITUTIONAL SUBSCRIPTIONS (If you exclude, the Book will also be excluded from Consumer Book Sales.)	EXCLUDE BOOK FROM PUBLIC ACCESS SERVICE (If you exclude, the Book will also be excluded from Institutional Subscriptions and Consumer Book Sales.)	EXCLUDE BOOK FROM PREVIEW USE	EXCLUDE BOOK FROM SNIPPET DISPLAY	EXCLUDE BOOK FROM FRONT MATTER DISPLAY	EXCLUDE BOOK FROM ADVERTISING	EXCLUDE BOOK FROM BOOK ANNOTATION SHARING	CHECK BOX IF YOU WANT TO REMOVE BOOK	CHECK BOX IF YOU OWN THE WORLD WIDE RIGHTS IN THE BOOK	CHECK BOX IF YOU OWN THE RIGHTS TO ALL OF THE PICTORIAL WORKS IN THE BOOK
1	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
2	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
3	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
4	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
5	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
6	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
7	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
8	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
9	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
10	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

Use Additional Pages If You Are Claiming More Than 10 Books

SECTION IV - CLAIM AND MANAGE YOUR INSERTS

For each Insert that you are claiming, please provide as much information about the Books (and government works and public domain books) in which your Inserts appear. If you do not have information about the books in which your Inserts appear, or you do not know whether your work is an Insert, you may visit www.googlebooksettlement.com or call 1-888-356-0248 (U.S.A.) for further information on how you can identify and claim your Inserts.

The Settlement Administrator will notify you if it needs further information from you.

	AUTHOR	TITLE	IDENTIFIER	IMPRINT	YEAR
	Enter author of book and include co-authors and contributors (if you know)	Title of book containing your Insert (if you know)	Enter "ISBN" or "LCCN" of book (if you know)	If imprint is not available, enter publisher name (if you know)	Year of first publication (if you know)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

Use Additional Pages If You Are Claiming More Than 10 Inserts

Questions? Visit www.googlebooksettlement.com or call 1-888-356-0248 - Please see the Notice for international dialing information

SECTION IV - CLAIM AND MANAGE YOUR INSERTS

Please describe your Inserts below. Check the box if you want to exclude your Insert from **all Display Uses**. If you want to exclude only a portion of an Insert, attach a separate page identifying that portion.

#	TYPE OF INSERT	LOCATION IN BOOK (Pages, chapters if you know)	DESCRIPTION OF INSERT (Provide the title of the Insert if one exists. For example, if you are claiming an Entire Insert, provide the title of the Insert, such as the poem title, song title, or the title of a short story, essay, or newspaper or magazine article. If no title exists, provide a short description of the Insert.)	EXCLUDE INSERT FROM ALL DISPLAY USES (Check only if you want your Insert excluded from all Display Uses. You may not exclude Inserts from less than all Display Uses.)
1	☐ Entire ☐ Partial			☐
2	☐ Entire ☐ Partial			☐
3	☐ Entire ☐ Partial			☐
4	☐ Entire ☐ Partial			☐
5	☐ Entire ☐ Partial			☐
6	☐ Entire ☐ Partial			☐
7	☐ Entire ☐ Partial			☐
8	☐ Entire ☐ Partial			☐
9	☐ Entire ☐ Partial			☐
10	☐ Entire ☐ Partial			☐

The numbers below correspond to the line numbers on the previous page

Questions? Visit www.googlebooksettlement.com or call 1-888-356-0248 - Please see the Notice for international dialing information

SECTION V - CERTIFICATION

By certifying below, you will be entitled to receive some or all of the Cash Payment for each of your Books and Inserts that Google has digitized without permission on or before May 5, 2009, and you may manage and receive revenues for Google's use of your Books and Inserts.

I certify that:

1.   I hold a U.S. copyright interest in the Books and Inserts for which I have asserted rights above,

2.   none of the Books or Inserts are works for hire,

3.   all of the Books and Inserts, if United States works, were registered with the United States Copyright Office on or before January 5, 2009 (and, if Inserts from United States works, the works, alone or as part of another work, were registered by such date),

4.   use of any Inserts claimed required my permission and I did not give permission for their online use after June 1, 2003, and

5.   all of the information submitted on this Claim Form is true to the best of my knowledge, information and belief.

Signature: _____   Date: _____

You do not need to do anything further at this time.

The Settlement Administrator will contact you:

1.   **with a report of the Commercial Availability classification of your Books (and, if you disagree, how you can take steps to challenge the classification of your Books);**

2.   **if it needs further information from you;**

3.   **if any of your Books or Inserts are eligible for a Cash Payment;**

4.   **if there are other claimants to the Books and Inserts that you have claimed; and**

5.   **to discuss any other rights and options you may have with regard to your claimed Books and Inserts.**

It will take considerable time for the Settlement benefits to become available.   Please be patient, and visit www.googlebooksettlement.com for updates.

The easiest way to claim and manage your Books and Inserts is online at www.googlebooksettlement.com.

GOOGLE BOOK SEARCH SETTLEMENT
CLAIM FORM FOR MEMBERS OF THE PUBLISHER SUB-CLASS

Please review the Notice before completing this Claim Form. The Notice explains the terms used in this Claim Form. If at any time you have questions, go to www.googlebooksettlement.com or call 1-888-356-0248 (U.S.A.)

This Claim Form may be mailed at anytime. However, to be eligible for a Cash Payment,
your Claim Form must be mailed on or before January 5, 2010.

Settlement Administrator
c/o Rust Consulting, Inc.
P.O. Box 9364
Minneapolis, MN 55440-9364
UNITED STATES OF AMERICA

**The easiest way to claim and manage publisher's Books and Inserts
is online at www.googlebooksettlement.com.**

Claim Form Contents

- **Section I - Contact Information:** Provide your contact information.
- **Section II - Claim Your Books:** Provide information for all Books for which publisher owns a U.S. copyright interest.
- **Section III - Manage Publisher's Commercially Available/In Print Books**
- **Section IV - Manage Publisher's Commercially Unavailable/Out of Print Books**
- **Section V - Manage Publisher's Inserts:** Provide the requested information for all Inserts for which publisher owns a U.S. copyright interest.
- **Section VI - Certification:** This Claim Form must be signed.

SECTION I - CONTACT INFORMATION					
Please provide your contact information. Type or print your response clearly in the space provided.					
Company Information			**Contact Information** This person is the Registry's contact person at this publisher		
I	Name of Company		I	Given/First Name	
2	Address 1		2	Middle Name (Optional)	
3	Address 2		3	Family/Last Name	
4	City		4	Title at company	
5	State/Province/Region		5	Telephone	
6	Postal/Zip code		6	Email Address	
7	Country/Territory		7	Preferred Method of Communication with Settlement Administrator	☐ Email ☐ Postal Mail ☐ Telephone

TAX IDENTIFICATION INFORMATION		
I	Publisher Tax Identification Information	This information is not required to complete publisher's claim, but may be required by the Registry prior to issuing any payments to publisher. ☐ U.S. Tax Identification Number (e.g., SSN/ITIN/EIN): _____ ☐ Non-U.S. Tax Identification Number: _____ Country: _____ ☐ Publisher elects not to give this information at this time.

SECTION II - CLAIM BOOKS

For each Book that publisher is claiming, please provide as much information as you can. The Settlement Administrator will notify you if it needs further information.

	AUTHOR	TITLE	IDENTIFIER	IMPRINT	YEAR	WORK FOR HIRE	RIGHTS	AVAILABILITY
	Enter author and include co-authors and contributors	Title of the Book	Enter "ISBN" or "LCCN" (if you know)	If imprint is not available, enter publisher name	Year of first publication (if you know)	Is the Book a work for hire? (A work for hire is a book in which the author never had a copyright interest.)	Indicate if you are highly confident or confident the rights to the Book have not reverted	Indicate if the Book you are claiming is commercially available or commercially unavailable.
1						☐ Yes ☐ No	☐ Highly Confident ☐ Confident	☐ Commercially Available ☐ Commercially Unavailable
2						☐ Yes ☐ No	☐ Highly Confident ☐ Confident	☐ Commercially Available ☐ Commercially Unavailable
3						☐ Yes ☐ No	☐ Highly Confident ☐ Confident	☐ Commercially Available ☐ Commercially Unavailable
4						☐ Yes ☐ No	☐ Highly Confident ☐ Confident	☐ Commercially Available ☐ Commercially Unavailable
5						☐ Yes ☐ No	☐ Highly Confident ☐ Confident	☐ Commercially Available ☐ Commercially Unavailable
6						☐ Yes ☐ No	☐ Highly Confident ☐ Confident	☐ Commercially Available ☐ Commercially Unavailable
7						☐ Yes ☐ No	☐ Highly Confident ☐ Confident	☐ Commercially Available ☐ Commercially Unavailable
8						☐ Yes ☐ No	☐ Highly Confident ☐ Confident	☐ Commercially Available ☐ Commercially Unavailable
9						☐ Yes ☐ No	☐ Highly Confident ☐ Confident	☐ Commercially Available ☐ Commercially Unavailable
10						☐ Yes ☐ No	☐ Highly Confident ☐ Confident	☐ Commercially Available ☐ Commercially Unavailable

Use Additional Pages If You Are Claiming More Than 10 Books

Questions? Visit www.googlebooksettlement.com or call 1-888-356-0248 - Please see the Notice for international dialing information

SECTION III - MANAGE PUBLISHER'S COMMERCIALLY AVAILABLE/IN PRINT BOOKS

For each of the Commercially Available/In Print Books listed in Section II, please indicate on the form below if publisher wishes to (1) Specify a consumer sale price for the Book (if you do not specify a sale price, Google will use a Settlement Controlled Price); (2) Include the Book in some or all Display Uses and other uses; or (3) Remove the Book from the Google Library Project, Library Digital Copies and Research Corpus. Also, indicate whether publisher has other rights in the Book. To manage Commercially Unavailable/Out of Print Books, please turn to Section IV.

The numbers below correspond to the Book listed in the corresponding line numbers in Section II	CONSUMER SALE PRICE	INCLUDE BOOKS IN DISPLAY AND OTHER USES									REMOVAL	OTHER RIGHTS	
		INCLUDE BOOK IN ALL DISPLAY USES (Check either this box or one or more of the boxes in columns to the right)	INCLUDE BOOK IN CONSUMER BOOK SALES	INCLUDE BOOK IN INSTITUTIONAL SUBSCRIPTIONS	INCLUDE BOOK IN PUBLIC ACCESS SERVICE	INCLUDE BOOK IN PREVIEW USE	INCLUDE BOOK IN SNIPPET DISPLAY	INCLUDE BOOK IN FRONT MATTER DISPLAY	INCLUDE BOOK IN ADVERTISING	INCLUDE BOOK IN BOOK ANNOTATION SHARING	CHECK BOX IF PUBLISHER WANTS TO REMOVE BOOK	CHECK BOX IF PUBLISHER OWNS THE WORLD WIDE RIGHTS IN THE BOOK	CHECK BOX IF PUBLISHER OWNS THE RIGHTS TO ALL OF THE PICTORIAL WORKS IN THE BOOK
1	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
2	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
3	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
4	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
5	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
6	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
7	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
8	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
9	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
10	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

Use Additional Pages If You Are Claiming More Than 10 Books

Questions? Visit www.googlebooksettlement.com or call 1-888-356-0248 - Please see the Notice for international dialing information

SECTION IV - MANAGE PUBLISHER'S COMMERCIALLY UNAVAILABLE/OUT OF PRINT BOOKS

For each of the Commercially Unavailable/Out of Print Books listed in Section II, please indicate on the form below if publisher wishes to (1) Specify a consumer sale price for the Book (if you do not specify a sale price, Google will use a Settlement Controlled Price); (2) Exclude the Book from some or all Display Uses and other uses; or (3) Remove the Book from the Google Library Project, Library Digital Copies and Research Corpus. Also, indicate whether publisher has other rights in the Book. If publisher wants to exclude only a portion of a book, attach a separate page identifying that portion.

The numbers below correspond to the Book listed in the corresponding line numbers in Section II	CONSUMER SALE PRICE	EXCLUDE BOOKS FROM DISPLAY AND OTHER USES								REMOVAL	OTHER RIGHTS	
		EXCLUDE BOOK FROM CONSUMER BOOK SALES	EXCLUDE BOOK FROM INSTITUTIONAL SUBSCRIPTIONS (If you exclude, the Book will also be excluded from Consumer Book Sales.)	EXCLUDE BOOK FROM PUBLIC ACCESS SERVICE (If you exclude, the Book will also be excluded from Institutional Subscriptions and Consumer Book Sales.)	EXCLUDE BOOK FROM PREVIEW USE	EXCLUDE BOOK FROM SNIPPET DISPLAY	EXCLUDE BOOK FROM FRONT MATTER DISPLAY	EXCLUDE BOOK FROM ADVERTISING	EXCLUDE BOOK FROM BOOK ANNOTATION SHARING	CHECK BOX IF PUBLISHER WANTS TO REMOVE BOOK	CHECK BOX IF PUBLISHER OWNS THE WORLD WIDE RIGHTS IN THE BOOK	CHECK BOX IF PUBLISHER OWNS THE RIGHTS TO ALL OF THE PICTORIAL WORKS IN THE BOOK
1	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
2	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
3	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
4	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
5	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
6	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
7	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
8	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
9	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
10	$	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

Use Additional Pages If You Are Claiming More Than 10 Books

Questions? Visit www.googlebooksettlement.com or call 1-888-356-0248 - Please see the Notice for international dialing information

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SECTION V - CLAIM AND MANAGE PUBLISHER'S INSERTS

For each Insert that publisher is claiming, please provide as much information about the Books (and government works and public domain books) in which publisher's Inserts appear. If you do not have information about the books in which publisher's Inserts appear, or you do not know whether publisher's work is an Insert, you may visit www.googlebooksettlement.com or call 1-888-356-0248 (U.S.A.) for further information on how publisher can identify and claim publisher's Inserts.

The Settlement Administrator will notify you if it needs further information from you.

	AUTHOR	TITLE	IDENTIFIER	IMPRINT	YEAR
	Enter author of book and include co-authors and contributors (if you know)	Title of book containing publisher's Insert (if you know)	Enter "ISBN" or "LCCN" of book (if you know)	If imprint is not available, enter publisher name	Year of first publication (if you know)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

Use Additional Pages If You Are Claiming More Than 10 Inserts

Questions? Visit www.googlebooksettlement.com or call 1-888-356-0248 - Please see the Notice for international dialing information

SECTION V - CLAIM AND MANAGE PUBLISHER'S INSERTS

Please describe below publisher's Inserts claimed on prior page. Check the box if you want to exclude publisher's Insert from all Display Uses. If publisher wants to exclude only a portion of an Insert, attach a separate page identifying that portion.

The numbers below correspond to the Insert listed in the corresponding line numbers on the previous page	TYPE OF INSERT	LOCATION IN BOOK Pages, chapters (if you know)	DESCRIPTION OF INSERT Provide the title of the Insert if one exists. For example, if publisher is claiming an Entire Insert, provide the title of the Insert, such as the poem title, song title, or the title of a short story, essay, or newspaper or magazine article. If no title exists, provide a short description of the Insert.	EXCLUDE INSERT FROM ALL DISPLAY USES Check only if publisher wants its Insert excluded from all Display Uses. (Publisher may not exclude Inserts from less than all Display Uses.)
1	☐ Entire ☐ Partial			☐
2	☐ Entire ☐ Partial			☐
3	☐ Entire ☐ Partial			☐
4	☐ Entire ☐ Partial			☐
5	☐ Entire ☐ Partial			☐
6	☐ Entire ☐ Partial			☐
7	☐ Entire ☐ Partial			☐
8	☐ Entire ☐ Partial			☐
9	☐ Entire ☐ Partial			☐
10	☐ Entire ☐ Partial			☐

SECTION VI - CERTIFICATION

By certifying below, publisher will be entitled to receive some or all of the cash payment for each of publisher's books and Inserts that Google has digitized without permission on or before May 5, 2009, and publisher may manage and receive revenues for use of its books and Inserts.

I certify that:

1.   publisher owns a U.S. copyright interest in the books and Inserts for which rights have been asserted above,

2.   all of the books and Inserts, if United States works, were registered with the United States Copyright Office on or before January 5, 2009 (and, if Inserts from United States works, the works, alone or as part of another work, were registered by such date),

3.   use of any Inserts claimed required publisher's permission and publisher did not give permission for their online use after June 1, 2003, and

4.   all of the information submitted on this Claim Form is true to the best of publisher's knowledge, information and belief.

Signature: _____   Date: _____

You do not need to do anything further at this time.

The Settlement Administrator will contact you:

   1.   **with a report of the Commercial Availability classification of publisher's Books (and, if publisher disagrees, how it can take steps to challenge the classification of publisher's Books);**

   2.   **if it needs further information from publisher;**

   3.   **if any of publisher's Books or Inserts are eligible for a Cash Payment;**

   4.   **if there are other claimants to the Books and Inserts that publisher has claimed; and**

   5.   **to discuss any other rights and options publisher may have with regard to publisher's claimed Books and Inserts.**

It will take considerable time for the Settlement benefits to become available.   Please be patient, and visit www.googlebooksettlement.com for updates.

The easiest way to claim and manage publisher's Books and Inserts is online at www.googlebooksettlement.com.